

LIBEL AND SLANDER ACT

CHAPTER 7:04

Act

L.I. 11 of 1876

Amended by

4 of 1979*

11 of 1979*

(*See Note on Amendment on page 2)

Current Authorised Pages

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<i>1-6</i>	<i>1/1991</i>

**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

**Note
on
Amendment**

Act No.4 of 1979 inserted new sections 11, 12, 13 and 14 as from 29th May 1979 and Act No.11 of 1979 repealed those sections as from 9th August 1979.

CHAPTER 7:04

LIBEL AND SLANDER ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
 2. Offer of apology admissible in evidence in mitigation of damages.
 3. In an action against a newspaper for libel, the defendant may plead that it was inserted without malice and without neglect, and may pay money into Court as amends.
 4. Publishing or threatening to publish a libel, or proposing to abstain from publishing anything with intent to extort money, punishable by imprisonment.
 5. False defamatory libel punishable by imprisonment and fine.
 6. Defamatory libel punishable by imprisonment and fine.
 7. Proceedings upon the trial of an indictment or information for a defamatory libel.
Double plea.
Proviso as to plea of not guilty in civil or criminal proceedings.
 8. Evidence to rebut *prima facie* case of publication by an agent.
 9. Costs in prosecutions by private prosecutors.
 10. Slander of women.
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4. If any person publishes or threatens to publish any libel upon any other person, or directly or indirectly threatens to print or publish, or directly or indirectly proposes to abstain from printing or publishing, or directly or indirectly offers to prevent the printing or publishing of any matter or thing touching any other person, with intent to extort any money or security for money or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, every such offender is liable to imprisonment for three years; but nothing herein contained shall in any manner alter or affect any law now in force in respect of the sending or delivery of threatening letters or writings.

Publishing or threatening to publish a libel, or proposing to abstain from publishing anything with intent to extort money, punishable by imprisonment.

5. Any person who maliciously publishes any defamatory libel, knowing the same to be false, is liable to such fine as the Court may award and to imprisonment for two years.

False defamatory libel punishable by imprisonment and fine.

6. Any person who maliciously publishes any defamatory libel is liable to such fine and imprisonment as the Court may award, such imprisonment not to exceed one year.

Defamatory libel punishable by imprisonment and fine.

7. On the trial of any indictment for a defamatory libel, the defendant, having pleaded the plea as mentioned below, the truth of the matters charged may be inquired into but shall not amount to a defence unless it was for the public benefit that the said matters charged should be published; and, to entitle the defendant to give evidence of the truth of the matters charged as a defence to the indictment, it shall be necessary for the defendant, in pleading to the indictment to allege the truth of the matters charged in the manner now required in pleading a justification to an action of defamation, and further to allege that it was for the public benefit that the said matters charged should be published, and the particular fact or facts by reason whereof it was for the public benefit that the matters charged should be published, to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof; and if, after the plea, the defendant is convicted on the indictment, the Court may, in pronouncing sentence, consider whether the guilt of the defendant is aggravated or mitigated by the plea and by the evidence given to prove or to disprove the same:

Proceedings upon the trial of an indictment or information for a defamatory libel.

Double plea.

Provided that –

(a) the truth of the matters charged in the alleged libel complained of by the indictment shall in no case be inquired into without the plea of justification;

Proviso as to plea of not guilty in civil or criminal proceedings.

- (b) in addition to the plea the defendant may plead a plea of not guilty;
- (c) nothing in this Act shall take away or prejudice any defence under the plea of not guilty which the defendant may now make, under the plea, to any action or indictment for defamatory words or libel.

Evidence to rebut *prima facie* case of publication by an agent.

8. Whenever, upon the trial of any indictment for the publication of a libel under a plea of not guilty evidence has been given which establishes a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to the defendant to prove that the publication was made without his authority, consent or knowledge and that the publication did not arise from want of due care or caution on his part.

Costs in prosecutions by private prosecutors.

9. In the case of any indictment or prosecution by a private prosecutor for the publication of any defamatory libel, if judgment is given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of the indictment; and, upon a special plea of justification to the indictment, if the issue is found for the prosecutor, he shall be entitled to recover from the defendant the costs sustained by the prosecutor by reason of the plea; and the costs to be recovered by the defendant or prosecutor, respectively, shall be taxed by the proper officer of the Court before which the indictment is tried.

Slander of women.

10. Words spoken and published after the passing of this Act which impute unchastity or adultery to any woman or girl shall not require special damage to render them actionable; but, in any action for words spoken and made actionable by this Act, a plaintiff shall not recover more costs than damages unless the Judge certifies that there was reasonable ground for bringing the action.
